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FACSIMILE TRANSMITTAL

TO:**Name:** Mail Stop RCE
Group Art Unit 3738/Examiner Bruce Snow**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-8300**Subject:** U.S. Patent Application No. 09/553,573

Gary K. Michelson

Filed: April 19, 2000

ARTIFICIAL LUMBAR NON-ARCUATE

INTERBODY SPINAL IMPLANT HAVING AN

ASYMMETRICAL LEADING END (as amended)

Attorney Docket No. 101.0077-00000

Customer No. 22882

Confirmation No.: 3776

FROM:**Name:** Amedeo F. Ferraro**Phone No.:** 310-286-9800**No. of Pages (including this):** 32**Date:** January 19, 2007**Confirmation Copy to Follow:** NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; the total amount of \$1,810.00 to cover the \$1,020 three-month extension fee and \$790 RCE fee is to be charged to Deposit Account No. 50-3726), Request for Continued Examination (RCE) (in duplicate), Amendment, and Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on January 19, 2007.



David M. Kogan

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FORM PTO-1083

PATENT
Attorney Docket No.: 101.0077-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gary K. Michelson

Serial No: 09/553,573

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For: ARTIFICIAL LUMBAR NON-ARCUATE
INTERBODY SPINAL IMPLANT HAVING AN
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amended)

Confirmation No.: 3776

Art Unit: 3738

Examiner: Bruce Snow

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request for Continued Examination (RCE) and Amendment in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated September 27, 2006 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a three-month extension of time to respond to the above Notice.
- ☒ An Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO-1449 are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	111	-	114	0	LG=\$50M =\$25	\$50 \$ -0-
INDEPENDENT CLAIMS FEE	3	-	3	0	LG=\$200 SM=\$100	\$200 \$ -0-
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180	\$ -0-
					TOTAL	\$ -0-

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$1,810.00 to cover the \$1,020 three-month extension fee and \$790 RCE fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

By:


Amadeo F. Ferraro
Registration No. 37,129

Date: January 19, 2007

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